THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13744 of 1999

Dt:23.08.2007

Between:

Dargah Yakub Shah Wali Rh. And Grave Yard.

.. Petitioner

and

A.P.Wakf Board and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13744 of 1999

ORDER:

The effort made by the A.P.Wakf Board, first respondent herein, to get into the allegations of mismanagement of a wakf institution has been thwarted by the petitioner, on one pretext or the other, for the past two decades.

Sri Khaja Miya, petitioner herein, is the Muthawalli of Dargah Yakub Shakh Wali Rh. and Grave Yard at Barugudem, Khammam District. Allegations of mismanagement were made against him. Through its proceedings, dated 28.12.1993, the 1st respondent took the Wakf under its direct management, in exercise of its power under Section 43-A of the Wakf Act, 1954.

Thereupon, the petitioner filed W.P.No.89 of 1994. This Court allowed the Writ Petition on 26.11.1997 and it was left open to the Wakf Board to inquire into the allegations against the petitioner. The enquiry was accordingly initiated.

Complaining that the enquiry officer did not give him proper opportunity, the petitioner filed W.P.No.27403 of 1998. It was disposed of on 25.01.1999 directing that the enquiry officer shall follow Rule 23 of the A.P.Wakf Rules. Three (3) months' time was stipulated for completion of the same.

When the enquiry was in progress, the petitioner and his opponent, 3rd respondent herein, filed draft issues before the enquiry officer. The petitioner filed a memo before the enquiry officer, pointing out that the issues framed, at the instance of the 3rd respondent, cannot be taken on record. The enquiry officer passed an order, dated 24.06.1999, rejecting the memo. This writ petition is filed challenging the same.

Heard Sri P.Veera Reddy, the learned counsel for the petitioner, the learned Standing Counsel for the Wakf Board and the learned counsel for the 3rd respondent.

The enquiry undertaken by the 1st respondent was purely administrative in nature. The enquiry officer can no way be compared with a Court of law. The question of framing of issues in the enquiry does not arise. The petitioner and the 3rd respondent have complicated an otherwise simple matter and defeated the very purpose of initiation of enquiry. Further, the impugned order cannot be said to have given raise or defeated the rights of any of the parties. At the most, the enquiry officer had expressed his view on a memo filed by the petitioner, which was totally outside the scope of the enquiry.

Hence, the writ petition is dismissed. The enquiry officer is directed to conclude the enquiry, within two (2) months from today, irrespective of the nature of objections raised by any of the parties. It is only after the report is submitted, that the aggrieved party can made out any grievance and none of the parties shall be entitled to regulate or circumscribe the scope of the enquiry. There shall be no order as to costs.

23.08.2007

JSU